

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PUBLIC HEARING**

**TIME AND PLACE:**                      **Thursday, December 21, 2006, @ 6:30 P.M.**  
   **Office of Zoning Hearing Room**  
   **441 4<sup>th</sup> Street, N.W., Suite 220**  
   **Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 06-26 (PUD and Related Map Amendment @ Square 3788, Lot 814, Rocky Gorge Development LLC, on behalf of the Thos. Somerville Co.)**

**THIS CASE IS OF INTEREST TO ANC 5A**

On May 21, 2006, the Office of Zoning received an application from Rocky Gorge Development, LLC (the "Applicant"), contract purchaser of Lot 814 in Square 3788 on behalf of the Thos. Somerville Co., requesting approval of a consolidated PUD and a related zoning map amendment from R-2 and FT/C-M-1 to R-4 for Lot 814 in Square 3788. The Office of Planning provided its report on July 14, 2006, and the case was set down for hearing on July 24, 2006. The Applicant provided its pre-hearing statement as part of its application on August 14, 2006.

The property which is the subject of this application consists of approximately 182,595 square feet of land area, is irregularly shaped, and is bounded to the north by Phase I of the Emerson Park townhouse development, to the east by a strip of residential properties fronting on 7<sup>th</sup> Street, NE, to the south by detached dwellings fronting on 6<sup>th</sup> Place, NE, and to the west by another portion of the Thos. Somerville Co. site. The property is largely unimproved and vacant. The underlying zoning of the property is a combination of R-2 and FT/C-M-1. Residential uses are not permitted as a matter of right in the C-M Districts. A rezoning of the property is necessary to permit residential use. The proposed zoning is R-4.

The Applicant proposes to redevelop the property with construction of 35 three-story single family row dwellings with garage parking. Parking for a total of approximately 77 cars will be provided throughout the PUD Site. The floor area ratio ("FAR") of the property will be approximately 0.44 FAR. The building height will measure approximately 30 feet. The property will be buffered from surrounding properties with extensive landscaping. Vehicular access to the PUD Site will be provided by a private road connecting Emerson Street, NE, to the north, and Sixth Street, NE, to the south.

The R-2 District permits detached and semi-detached single family dwellings as a matter-of-right. Detached dwellings require a minimum lot area of 4,000 square feet and a minimum lot width of 40 feet and semi-detached dwellings require a minimum lot area of 3,000 square feet and a minimum lot width of 30 feet. The maximum permitted height is 3 stories and 40 feet and the maximum permitted lot occupancy is 40 percent. A detached dwelling requires an 8 foot side

yard on each and a semi-detached dwelling has one lot line and one 8 foot side yard. Each dwelling requires a 20 foot rear yard and a minimum of 1 parking space.

The C-M-1 District permits office, retail, service, wholesale, warehouse and light manufacturing, processing, fabricating and repair uses as a matter-of right, to a maximum height of 3 stories and 40 feet and a maximum FAR of 3.0. New residential development is not permitted. Under Chapter 24, the guideline for height in a PUD is 60 feet and the guideline for FAR in a PUD is 3.0. The Fort Totten (FT) Overlay provides additional restrictions and requirements.

The R-4 District permits detached, semi-detached and row single family dwellings and flats as a matter-of-right, as well as the conversion to multi-family use of a building built prior to 1958. Detached dwellings require a minimum lot area of 4,000 square feet and a minimum lot width of 40 feet, semi-detached dwellings require a minimum lot area of 3,000 square feet and a minimum lot width of 30 feet, row dwellings require a minimum lot area of 1,800 square feet and a minimum lot width of 18 feet and conversions to multifamily use requires a minimum lot area of 900 square feet per unit. The maximum permitted height is 3 stories and 40 feet and the maximum permitted lot occupancy is 60 percent for row dwellings and flats and 40 percent for other structures. Each dwelling requires a 20 foot rear yard and a minimum of 1 parking space.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations 11 DCMR, § 3022.

Interested persons or representatives of organizations will be heard at the public hearing. **Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR 3022.3.** A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Rules. Except for the applicant and the ANC, to participate as a party in a proceeding before the Commission, **any affected person shall file with the Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name and address;
- (b) A request to appear and participate as a party;
- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf; and
- (f) A written statement setting forth why the person should be granted party status, including reference to the following:

- (1) The property owned or occupied by such person, or in which the person has an interest, that will be affected by the action requested of the Commission;
- (2) The legal interest such person has in such property, such as owner, tenant, trustee, or mortgagee;
- (3) The distance between the person's property and the property that is the subject of the application before the Commission;
- (4) The environmental, economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied;
- (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The Commission shall determine who will be recognized as a party. In so determining, the Commission shall consider whether the provisions of § 3022.3 have been complied with and whether the specific information presented qualifies the person as a party. The Commission shall grant party status only if the person requesting party status has clearly demonstrated that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public.

Any person wishing to be considered a party should clearly state the request, and should also provide a daytime telephone number should it be necessary for the Office of Zoning to obtain additional information or clarification prior to the hearing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusions in the record.

The Zoning Commission hereby gives notice of the following procedures applicable to this case. Any person requesting to appear as a party to this application shall submit the following additional information:

1. A summary of the testimony of each witness.
2. An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes of qualifications of the proposed experts.
3. The total amount of time being requested to present the case.

The information cited above shall also be submitted by the Applicant. To the extent that the information is not contained in the Applicant's prehearing submission required by 11 DCMR § 3013.1, the information shall be filed no later than fourteen (14) days before the date of the hearing.

**If an affected Advisory Neighborhood Commission (ANC), pursuant to 11 DCMR 3012.5, intends to participate at the hearing, the ANC shall also submit the information cited above relating to the hearing procedures. The written report of the ANC shall be filed no later than seven (7) days before the date of the hearing.**

The Zoning Commission gives further notice that it intends to establish time limits for oral presentations of both parties and persons. Accordingly, the following time limits shall apply:

- |    |                                  |   |
|----|----------------------------------|---|
| 1. | Applicant and parties in support | 60 minutes collectively                   |
| 2. | Parties in opposition            | 15 minutes each (60 minutes collectively) |
| 3. | Organizations                    | 5 minutes each                            |
| 4. | Individuals                      | 3 minutes each                            |

The Commission intends to adhere to the time limits as strictly as possible, in order to hear the case in a reasonable period of time. The Commission reserves the right to change the time limits for presentations if necessary and notes that no time shall be ceded. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points.

Information should be forwarded to the Director, Office of Zoning, Suite 210, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

**CAROL J. MITTEN, ANTHONY J. HOOD, JOHN G. PARSONS, GREGORY N. JEFFRIES, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.**